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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,708	10/16/2003	Hyun-kwon Chung	1793.1081	6768

7590 10/17/2007

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EXAMINER	
THOMAS, JASON M	
ART UNIT	PAPER NUMBER
4126	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/685,708	CHUNG ET AL.	
	Examiner	Art Unit	
	Jason Thomas	4126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :1/20/2004, 6/17/2004, 9/13/2006.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1-9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of copending Application No. 10/685,701. Although the conflicting claims are not identical, they are not patentably distinct from each other because they claimed the same subject matter of a display system comprising a markup document to play the audio and/or video data in an interactive mode, the markup document includes device-aspect-ratio information, and the device-aspect-ratio information is referenced from the target display to display the markup document.

2. Claims 1-9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of copending Application No. 10/685,702. Although the conflicting claims are not identical, they are not patentably distinct from each other because they claimed the same subject matter of a display apparatus comprising a markup document to play the audio and/or video data in an interactive mode, the markup document includes device-aspect-ratio information, and the device-aspect-ratio information is referenced from the target display to display the markup document.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamauchi et al (U.S. Patent No. 5,907,659).

Regarding claim 1, Yamauchi discloses an information storage medium comprising audio and/or video data (see [column 1 lines 14-15] for storage medium with audio and/or video data).

Yamauchi further discloses a markup document to play the audio and/or video data in an interactive mode (see [column 4 lines 53-56] user is able to interact through user selection), wherein: the markup document includes device-aspect-ratio information, and the device-aspect-ratio information is referenced to display the markup document (see [column 19 lines 26-45] for device-aspect-ratio information being retained and referenced to execute and display the markup data by displaying the video materials in its proper format).

Regarding claim 4, Yamauchi discloses wherein the device-aspect-ratio information is written in the markup document using a property of a tag (see [figure 6] and [column 19 lines 29-45] for a disclosure of the device-aspect-ratio information being referenced by a unique identifier located within the sub-picture/control data).

Regarding claim 7, Yamauchi discloses wherein the device-aspect-ratio information is instruction information to transform a source markup picture into a markup picture with a predetermined aspect ratio, the source markup picture being obtained from the markup document (see [figures 1A and 1B], [columns 2 lines 19-49], [column 3 lines 34-65] where a markup picture maintained on a disc can be transformed to a predetermined aspect ratio; see also [figure 6], [column

19 lines 29 - 32] where a markup picture maintained on a disc can be transformed through processing as instructed by the markup information).

Regarding claim 8, Yamauchi discloses wherein the device-aspect-ratio information is instruction information to transform a source markup picture into a markup picture with an aspect ratio of 4:3 or 16:9, the source markup picture being obtained from the markup document (see [columns 2 lines 19-49] and [column 19 lines 29-32]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamauchi et al. (U.S. Patent No. 5,907,659) in view of Nielsen (U.S. Patent No. 5,897,644).

Regarding claim 2, Yamauchi does not teach wherein the device-aspect-ratio information is information on an aspect ratio of a target display device intended to display the markup document in the interactive mode.

Nielsen teaches a process that accesses information and obtains values from a display device, which are then used to display an HTML image onto that same device (see [column 7 lines 50-57]).

At the time of the invention it would have been obvious, to one of ordinary skill in the art, to use such a process as taught in Nielsen, to prepare the markup document containing multimedia for display, as taught in Yamauchi, because storing such information would allow for the prepared material to display properly and in accordance with the original presentation (see [column 3 lines 29-37]).

Regarding claim 3, Yamauchi does not teach wherein the device-aspect-ratio information is information on an aspect ratio of a target display device intended to display the markup document in the interactive mode according to a design of a markup document maker.

Nielsen teaches a process that allows an HTML markup document to be displayed on output devices of different sizes with the same proportions as fixed by the designer of the original presentation (see [column 3 lines 29-37]).

For motivation refer to the motivation of claim 2.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamauchi et al. (U.S. Patent No. 5,907,659) in view of Markel et al. (U.S. Pre-Grant Pub. 2002/0057).

Regarding claim 5, Yamauchi does not teach wherein the markup document further includes information on a resolution of the markup document.

Markel teaches the inclusion of resolution information in a markup document (see [0027]).

At the time of the invention it would have been obvious, to one of ordinary skill in the art, to include resolution information, as taught in Markel, with the device-aspect-ratio information as taught in Yamauchi, because this would contribute to the correct display of a multimedia presentation on various display platforms (see [0003]).

Regarding claim 6, Yamauchi discloses all of the limitations of claim 5 including the use of tags (see [figure 6] and [column 19 lines 29-45] for a disclosure of the device-aspect-ratio information being referenced by a unique identifier located within the sub-picture/control data).

Markel teaches the inclusion of resolution information in a markup document (see [0027])

For motivation refer to the motivation of claim 5.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamauchi et al. (U.S. Patent No. 5,907,659) in view of Rainville (U.S. Pre Grant Pub. 2002/0069411).

Regarding claim 9, Yamauchi does not explicitly teach embedding the video data into the markup document in the interactive mode.

Rainville teaches using a HTML source (markup document) that includes video related information which is then referenced for embedding video data within a web page (markup document in the interactive mode) (see [figure 6], [0033], [0036]).

At the time of the invention it would have been obvious, to one of ordinary skill in the art, to embed video data, as taught in Rainville, into a multimedia optical disc used by the reproduction apparatus, as taught in Yamauchi, because this would enhance the display of the World Wide Web pages (see [0008]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Thomas whose telephone number is (571) 270-5080. The examiner can normally be reached on Mon. - Thurs., 8:00a.m. - 5:00p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Thomas

Lun-Yi Lao
Primary Examiner